THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.6887 of 2005

09.09.2005

Between:

P. Venkaiah, S/o.P.Ragaiah, Marlapadu village,

Tangutur Mandal, Prakasam District.

… Petitioner

AND

1. The Regional Joint Commissioner of Endowments,

MZ-II, Tirupati, Chittoor District.

And two others.

… Respondents

ORDER:

The petitioner is a cultivating tenant of agricultural land admeasuring Acs.4.20 in Survey No.147/A. The land belongs to Sri Venugopala Swamy Temple, Marlapadu village. He moved an application under Rule 3 of A.P. Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003 (the Rules, for brevity) before the Assistant Commissioner of Endowments, Ongole for declaration that he is a landless poor person so as to claim the benefits under subsection (2) of Section 82 of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Act, for brevity). The Assistant Commissioner rejected the claim by order dated 01.8.2003. Aggrieved by the same, the petitioner filed an appeal under Rule 4 of the Rules before the first respondent, who by order dated 19.6.2004 dismissed the appeal holding that the petitioner admitted before the Assistant Commissioner that he has Acs.4.81 of dry land apart from the leased land.

In this writ petition, the learned Counsel for the petitioner contends that the petitioner never admitted before the Assistant Commissioner that he got Acs.4.81 apart from the temple land. Therefore, this Court directed the learned Assistant Government Pleader to produce the record from the Office of the second respondent.

The file from the Office of the second respondent is produced before this Court. At page 21 of the file, the representation given by the petitioner to the Assistant Commissioner is found. In his representation, the petitioner has stated that in the family partition, he got Acs.0.80, that he is cultivating Acs.4.20 of temple land and that he is getting an annual income of Rs.8,000/-. He also referred to the certificate issued by the Mandal Revenue Officer to that effect. This would show that the impugned orders passed by respondents 1 and 2 are without any factual basis. Therefore, the impugned order of the first respondent is set aside and the matter is

remitted to the second respondent with a direction to conduct fresh enquiry into the matter and pass appropriate orders, after giving notice to the petitioner. This exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order.

It is brought to the notice of this Court that the fourth respondent became the highest bidder in the auction conducted by the temple. If the possession is already delivered to the fourth respondent, there shall be *status quo* as on today.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO,J**)

September 09, 2005.

NOTE:

Issue certified copy of order by

12.9.2005.

(B/o)

YS